

105TH CONGRESS
1ST SESSION

H. R. 1258

To require the Attorney General to conduct a pilot program under which the Attorney General will notify a State of potential employment opportunities for welfare recipients in the State created by the removal of unauthorized aliens from work sites, and to reward pilot program States with a high rate of success in placing such recipients in such employment positions.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 1997

Mr. FRANKS of New Jersey (for himself, Mr. BILBRAY, Mr. GALLEGLY, Mr. HORN, Mr. KIM, Ms. MOLINARI, and Mr. ROHRABACHER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Attorney General to conduct a pilot program under which the Attorney General will notify a State of potential employment opportunities for welfare recipients in the State created by the removal of unauthorized aliens from work sites, and to reward pilot program States with a high rate of success in placing such recipients in such employment positions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Job Opportunity and
3 Welfare Reduction Act of 1997”.

4 **SEC. 2. PILOT PROGRAM FOR PLACING WELFARE RECIPI-**
5 **ENTS IN JOBS VACATED BY UNAUTHORIZED**
6 **ALIENS.**

7 (a) IN GENERAL.—The Attorney General shall con-
8 duct a pilot program under which the Attorney General
9 shall provide a written notice to a State of one or more
10 potential employment opportunities for an adult who is re-
11 ceiving assistance under the State program funded under
12 part A of title IV of the Social Security Act, where such
13 opportunity arises from—

14 (1) the removal of one or more unauthorized
15 aliens from a work site in the State by an officer or
16 employee of the Service performing duties relating to
17 the enforcement of the immigration laws; or

18 (2) the issuance of an unauthorized work letter
19 by the Attorney General to an employer.

20 (b) IMPLEMENTATION DEADLINE; TERMINATION.—
21 The Attorney General shall implement the pilot program
22 not later than October 1, 1998. The Attorney General
23 shall terminate the pilot program at the end of the 4-year
24 period beginning on the first day the pilot program is in
25 effect.

1 (c) SCOPE OF OPERATION.—The Attorney General
2 shall provide for the operation of the pilot program in each
3 State—

4 (1) the chief executive officer of which has re-
5 quested that the Attorney General provide for such
6 operation; and

7 (2) that is receiving a grant under part A of
8 title IV of the Social Security Act.

9 (d) NOTICE.—

10 (1) CONTENTS.—The notice required under
11 subsection (a) shall include the following:

12 (A) The name and address of the em-
13 ployer—

14 (i) from whose work site an unauthor-
15 ized alien was removed; or

16 (ii) to whom the unauthorized work
17 letter was issued.

18 (B) A classification of the employment po-
19 sition (or positions) formerly held by each un-
20 authorized alien who was removed from the
21 work site or was the subject of the unauthor-
22 ized work letter, in terms of industry and
23 whether the work performed was skilled or un-
24 skilled.

25 (C) The location of the work site.

1 (D) The number of unauthorized aliens
2 who were—

3 (i) removed; or

4 (ii) the subject of the unauthorized
5 work letter.

6 (2) DEADLINE.—The Attorney General shall
7 submit the notice required under subsection (a) not
8 later than 8 days after the day on which—

9 (A) the unauthorized alien is removed (in
10 a case described in subsection (a)(1)); or

11 (B) an officer or employee of the Service
12 enters onto the work site for the purpose of re-
13 moving an unauthorized alien, following issu-
14 ance of the unauthorized work letter (in a case
15 described in subsection (a)(2)).

16 (e) DEFINITIONS.—For purposes of this Act:

17 (1) SERVICE.—The term “Service” has the
18 meaning given such term in section 101(a)(34) of
19 the Immigration and Nationality Act.

20 (2) STATE.—The term “State” has the mean-
21 ing given such term in section 101(a)(36) of the Im-
22 migration and Nationality Act.

23 (3) UNAUTHORIZED ALIEN.—The term “unau-
24 thorized alien” has the meaning given such term in

1 section 274A(h)(3) of the Immigration and Nation-
 2 ality Act.

3 (4) UNAUTHORIZED WORK LETTER.—The term
 4 “unauthorized work letter” means a Form I–9 In-
 5 spection Result Letter, issued by the Attorney Gen-
 6 eral to an employer, identifying the possible presence
 7 of an unauthorized alien worker.

8 **SEC. 3. BONUS TO REWARD PARTICIPATING STATES.**

9 (a) IN GENERAL.—Section 403(a)(4) of the Social
 10 Security Act (42 U.S.C. 603(a)(4)) (as amended by sec-
 11 tion 103 of the Personal Responsibility and Work Oppor-
 12 tunity Reconciliation Act of 1996 (Public Law 104–193;
 13 110 Stat. 2121)) is amended—

14 (1) in subparagraph (B)(i), by adding at the
 15 end the following:

16 “In the case of a high performing State
 17 that is an immigration pilot program
 18 State, such amount shall also be based on
 19 the score assigned to the State under sub-
 20 paragraph (D)(iii) for such fiscal year.”;

21 (2) by amending subparagraph (C) to read as
 22 follows:

23 “(C) FORMULA FOR MEASURING STATE
 24 PERFORMANCE.—

1 “(i) IN GENERAL.—Not later than 1
2 year after the date of the enactment of the
3 Personal Responsibility and Work Oppor-
4 tunity Reconciliation Act of 1996, the Sec-
5 retary, in consultation with the National
6 Governors’ Association and the American
7 Public Welfare Association, shall develop a
8 formula for measuring State performance
9 in operating the State program funded
10 under this part so as to achieve the goals
11 set forth in section 401(a).

12 “(ii) IMMIGRATION PILOT PROGRAM
13 STATES.—Not later than 6 months after
14 the date of the enactment of the Job Op-
15 portunity and Welfare Reduction Act of
16 1997, the Secretary, in consultation with
17 the National Governors’ Association and
18 the American Public Welfare Association,
19 shall develop a formula for measuring the
20 performance of immigration pilot program
21 States in placing adults receiving assist-
22 ance under the State program funded
23 under this part in employment vacancies
24 arising from—

1 “(I) the removal of an unauthor-
2 ized alien (as defined in section 2 of
3 such Act) from a work site in the
4 State by an officer or employee of the
5 Immigration and Naturalization Serv-
6 ice performing duties relating to the
7 enforcement of the immigration laws;
8 or

9 “(II) the issuance by the Attor-
10 ney General to an employer of an un-
11 authorized work letter (as defined in
12 such section) with respect to a work
13 site in the State.”;

14 (3) by amending subparagraph (D) to read as
15 follows:

16 “(D) SCORING OF STATE PERFORMANCE;
17 SETTING OF PERFORMANCE THRESHOLDS.—
18 For each bonus year, the Secretary shall—

19 “(i) use the formula developed under
20 subparagraph (C)(i) to assign a score to
21 each eligible State for the fiscal year that
22 immediately precedes the bonus year;

23 “(ii) prescribe a performance thresh-
24 old, based on the scores assigned under

1 clause (i), in such a manner so as to en-
 2 sure that—

3 “(I) the average annual total
 4 amount of grants to be made under
 5 this paragraph for each bonus year
 6 equals \$200,000,000; and

7 “(II) the total amount of grants
 8 to be made under this paragraph for
 9 all bonus years equals
 10 \$1,000,000,000; and

11 “(iii) use the formula developed under
 12 subparagraph (C)(ii) to assign an addi-
 13 tional score to each immigration pilot pro-
 14 gram State for the fiscal year that imme-
 15 diately precedes the bonus year, which
 16 score shall be used to reward immigration
 17 pilot program States—

18 “(I) based on their performance,
 19 as measured under subparagraph
 20 (C)(ii); and

21 “(II) in a manner consistent with
 22 subclauses (I) and (II) of clause (ii).”;
 23 and

24 (4) in subparagraph (E), by adding at the end
 25 the following:

1 “(iii) IMMIGRATION PILOT PROGRAM
2 STATE.—The term ‘immigration pilot pro-
3 gram State’ means, with respect to a fiscal
4 year immediately preceding a bonus year,
5 an eligible State—

6 “(I) within which the Attorney
7 General is operating the pilot program
8 under section 2 of the Job Oppor-
9 tunity and Welfare Reduction Act of
10 1997;

11 “(II) that, after each receipt of a
12 notice of an employment vacancy (or
13 vacancies) from the Attorney General
14 under such section 2, provided to the
15 employer having the vacancy a list
16 containing, with respect to each such
17 vacancy, the name, address, and tele-
18 phone number of not more than 3
19 adults who are receiving assistance
20 under the State program funded
21 under this part and who are deter-
22 mined by the State, based on the
23 adult’s training, skills, prior experi-
24 ence, and availability for employment,
25 to be qualified to fill the vacancy; and

1 “(III) that provided to the Sec-
2 retary, in such form and manner as
3 the Secretary may have required, a re-
4 port containing the information nec-
5 essary for the Secretary to measure
6 the State’s performance under sub-
7 paragraph (C)(ii).”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall take effect on the later of July 1,
10 1998, or the date of the enactment of this Act.

11 **SEC. 4. REPORT.**

12 Not later than 3 months after the date of the termi-
13 nation of the pilot program under section 2, the Secretary
14 of Health and Human Services shall submit to the Con-
15 gress a report, based on the rate of success of the program
16 in providing referrals leading to job placements, contain-
17 ing the recommendations of the Secretary of Health and
18 Human Services concerning whether the program should
19 be reauthorized, whether the program should be expanded,
20 and how the program could be improved.

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